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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/708,023	02/03/2004	Jason P. Gill	BUR920030118US1	2022
26679	7590	07/27/2005	EXAMINER	
DRIGGS, LUCAS, BRUBAKER & HOGG CO. L.P.A.			QUINTO, KEVIN V	
38500 CHARDON ROAD				
DEPT. IBU			ART UNIT	PAPER NUMBER
WILLOUGHBY HILLS, OH 44094			2826	

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/708,023	GILL ET AL.	
	Examiner	Art Unit	
	Kevin Quinto	2826	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 3-14, 17-20, 23-34 and 37-64 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5-14, 17-20, 24-34, 37, 38, 45-52 and 57-64 is/are allowed.
- 6) ☒ Claim(s) 3 and 23 is/are rejected.
- 7) ☒ Claim(s) 4, 39-44 and 53-56 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. ____.  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____.   | 6) <input type="checkbox"/> Other: ____.                                    |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 3, 23, 41-44, and 53-56 have been considered but are moot in view of the new ground(s) of rejection.
2. The examiner notes newly amended claim 30 and thus hereby withdraws the rejection of claims 39 and 40 under 35 U.S.C. 112, second paragraph.

### ***Claim Objections***

3. Claim 4 objected to because of the following informalities: there is no period which ends the claim.
4. Claims 39 and 40 are objected to because of the following informalities: the word *resistor* is misspelled as "resister" in the last line of claim 39. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 3 and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Yang et al. (USPN 6,130,462).

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7. In reference to claims 3 and 23, Yang et al. (USPN 6,130,462, hereinafter referred to as the "Yang" reference) discloses a similar device and process. Figure 12A of Yang illustrates a static random access memory device having a contact stud (220) with an integral resistor (195). A substrate (106A) is provided having at least one contact area. An insulating layer (145) is formed over the substrate (106A) which is overlying and in contact with the contact area. There is a contact hole formed in the insulating layer (145) which exposes the contact area. A contact stud (220) is disposed in the contact hole. The contact stud (220) has an upper surface and a lower surface. The lower surface is in circuit connection with the contact area. An integral resistive material (195) is disposed within the contact hole on at least an upper surface or a lower surface of the contact stud (220) so that the resistive material and the contact stud form a local resistor structure. The resistive material layer (195) is located in a cross coupling between an M1 metal cross coupling node and a polysilicon gate at a contact-to-M1 interface or a contact-to-polysilicon gate interface. The resistive material has a width no greater than the width of the contact hole.

***Allowable Subject Matter***

8. Claims 5-14, 17-20, 24-34, 37, 38, 45-52, and 57-64 are allowed.
9. Claims 41-44 and 53-56 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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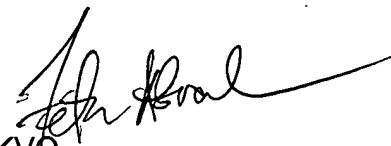
10. The following is a statement of reasons for the indication of allowable subject matter: the examiner is unaware of any prior art which suggests a bipolar transistor which has a resistive material that is a thin film located on a recessed contact stud which is in series with a base, collector, or emitter of the device.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Quinto whose telephone number is (571) 272-1920. The examiner can normally be reached on M-F 8AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
KVO